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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,139	11/13/2001	N. Lennart Eriksson	LAGROTH-026	7721

7590

04/27/2004

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EXAMINER

YAO, SAMCHUAN CUA

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/890,139	Applicant(s) ERIKSSON ET AL.	
	Examiner Sam Chuan C. Yao	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tisch (US 5,433,905) in view of Pozzo et al (US 4,009,073) and WO 98/50208 for reasons of record set forth in a prior office action dated 10-22-03, numbered paragraph 3.
3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in numbered paragraph 2 as applied to claim 6 above, and further in view of either Kunнемeyer (US 4,883,546) or Hagstrom (US 4,356,763) for reasons of record set forth in a prior office action dated 10-22-03, numbered paragraph 4.

Response to Arguments

4. Applicant's arguments filed on have been fully considered but they are not persuasive.

Counsel argues on page 5 full paragraph 1 "*Pozzo relates to the production of hardboard ... differs from the production process for the type of fiberboard utilized in the present invention. For example, the method for making hardboard of Pozzo is a wet method ...*". First of all, Counsel's argument is not commensurate with the scope of the recited claims. None of the recited claims remotely require forming fiberboard. The claims as presently recited read on

forming a hardboard. Moreover, Tisch is the primary reference, and not the Pozzo patent. Tisch is directed to a continuous process of manufacturing a fiber/particle board (col. 1 lines 8-11; figure 1). Equally important, dry and wet processes only differ the way fiber furnish is handled and fiber mat is formed. See for instance, the following passage disclosed by Pozzo *"Dry fibre hardboard ... follows the same general process sequence as wet process ... except the fibre furnish is dried after preparation from wood chips and before chemical treatment and mat formation."* (col. 1 lines 49-59). The fiber handling and mat forming processes do not significantly alter the resin impregnation operation of fibers as well as a final heat-pressing step as evidence from the teachings of Teodorczyk (5,847,058; col. 1 line 28 to col. 2 line 26) or Hsu et al (5,786,072; col. 1 lines 24-38; col. 3 lines 29-34; col. 3 lines 55-68; claim 3). Both of these references show that it is a notoriously common practice in the art to form a lignocellulose composite pressed board such as particle-board, hardboard, etc. using wet or dry processes. For this reason, one in the art practicing the invention taught by Tisch confronted with a buckling or warping problem would have been motivated to look for solutions to a related lignocellulose composite board making art whether the process is wet, dry, or wet-dry.

Counsel argues on page 5 last three lines to page 6 line 4, that *"Due to its compact nature, humidity can only be absorbed by the hardboard. Further, this absorption step, which occurs over a period of time, cannot be said to be part of a "continuous" process, like that of the present invention"* (quotation in original).

Once again, it should be emphasized that, the primary reference is the Tisch patent. Tisch, as noted earlier, is directed to a continuous process for making a fiber/particle board. Moreover, even for the sake of argument, one in the art uses a modified process of Tisch for making a hardboard, one can still effectively manufacture continuously a hardboard by, performing one or more of the following operations: a) increasing a flow rate of a conditioning air, b) increasing a conditioning air pressure, c) increasing a suction pressure, and c) decreasing a production line, so that the condition air can successfully flow through the board. Counsel argues on page 6 full paragraph 1, *"sanding and grinding are not the same. The purpose of after-treatment sand disclosed in Pozzo, is to make the hardboard surface more even."* It is respectfully submitted that, grinding reads on sanding. Grind, according to a dictionary definition (Webster's Encyclopedic Unabridged Dictionary of the English Language) is *"1. to wear, smooth, or sharpen by abrasion or friction"*. It is quite clear that, a sanding operation involves an operation by subjecting a substrate (i.e. particle-board) surface to an abrasive material to smoothen the surface. As further evidence, JP 11320454 A , JP 07276214A, GB 2260507 A, and GB 2259886 B are cited to show that, a sanding device involves a grinding operation. For instance, the title of JP '454 states *"Auxiliary tool of orbital sanding machine for grinding ... wood"* (emphasis added); and the title of JP '214 states *"Belt sanding for grinding ... has grinding belt ... applied on board by grinding ..."*. In any event, it would have been obvious in the art to grind a surface of a conditioned fiberboard in a modified

process of Tisch for removing unwanted surface irregularity, because it is a notoriously common practice in the art to subject a wood-based board to an abrasive operation such as grinding, sanding, etc. to remove surface irregularities. As for the limitation regarding the recited "*final thickness*", a finished board (i.e. after a sanding/grinding operation) in the modified process of Tisch would naturally result in formation of a board having a desired/final thickness.

As for Counsel's argument on page 7 regarding a continuous production of a lignocellulose board having a uniform density, it is respectfully submitted that, lignocellulosic boards are formed in the art either by continuous process or batch-wise process. One in the art is reasonably expected to be able to successfully manufacture a lignocellulose board having a uniform density in a continuous manner. Moreover, Counsel's attention is also directed to Neubauer et al (US 4,420,357; col. 4 lines 10-22) and Reiners (US 3,885,901; col. 4 lines 32-39). Both of these references teach continuously manufacture a lignocellulosic board having a uniform density.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
04-23-04